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MONTANA LEGISLATIVE HISTORY

Chapter 414 19 93

Bill H 609 S _____ Original bill & history ____C

H. Committee on Appropriations			S. Committee on Finance & Claims		
Hearing Date(s)	Mar 05	✓ C	Hearing Date(s)	Mar 29	✓ C
	Mar 12	✓ C			C
		C			C
		C			C
Date Out	Mar 15	✓ C		Mar 29	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

2/12	FIRST READING		
2/13	FISCAL NOTE REQUESTED		
2/20	FISCAL NOTE RECEIVED		
2/22	FISCAL NOTE PRINTED		
3/04	HEARING		
3/10	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/15	TAKEN FROM 2ND READING AND REREFERRED TO TAXATION		
3/17	HEARING		
3/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/23	2ND READING PASSED AS AMENDED	64	36
3/24	ON MOTION RULES SUSPENDED TO TAKE FROM ENGROSSING AND PLACE BACK ON 2ND READING		
3/25	2ND READING PASSED AS AMENDED	62	37
3/25	3RD READING PASSED	67	32
	TRANSMITTED TO SENATE		
3/26	FIRST READING		
3/26	REFERRED TO FINANCE & CLAIMS		
4/02	HEARING		
4/07	COMMITTEE REPORT—BILL CONCURRED		
4/08	2ND READING CONCURRED	36	14
4/12	3RD READING CONCURRED	35	14
	RETURNED TO HOUSE		
4/17	SIGNED BY SPEAKER		
4/17	SIGNED BY PRESIDENT		
4/20	TRANSMITTED TO GOVERNOR		
4/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 478		
	EFFECTIVE DATE: 07/01/93—SECTIONS 1, 3 & 5-36		
	EFFECTIVE DATE: 07/01/95—SECTIONS 2 & 4		

HB 609 INTRODUCED BY WANZENRIED

TRANSFER INVESTIGATIVE FUNCTIONS FROM DEPARTMENT OF REVENUE TO DEPARTMENT OF JUSTICE

BY REQUEST OF DEPARTMENT OF REVENUE AND DEPARTMENT OF JUSTICE

2/12	INTRODUCED		
2/12	REFERRED TO APPROPRIATIONS		
2/12	FIRST READING		
2/12	FISCAL NOTE REQUESTED		
2/19	FISCAL NOTE PRINTED		
3/05	HEARING		
3/16	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/23	2ND READING PASSED	100	0
3/24	3RD READING PASSED	99	1
	TRANSMITTED TO SENATE		
3/26	FIRST READING		
3/26	REFERRED TO FINANCE & CLAIMS		
3/29	HEARING		
3/30	COMMITTEE REPORT—BILL CONCURRED		
3/31	2ND READING CONCURRED	49	0
4/01	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
4/07	SIGNED BY SPEAKER		
4/13	SIGNED BY PRESIDENT		
4/14	TRANSMITTED TO GOVERNOR		
4/19	SIGNED BY GOVERNOR		

CHAPTER NUMBER 414
EFFECTIVE DATE: 04/19/93—SECTIONS 25, 26, 28 & 29
EFFECTIVE DATE: 07/01/93—SECTIONS 1-24 & 27

HB 610 INTRODUCED BY WHALEN

CLARIFY ENFORCEMENT AUTHORITY OF HEALTH FACILITIES DIVISION.

2/12	INTRODUCED		
2/12	REFERRED TO JUDICIARY		
2/12	FIRST READING		
2/12	FISCAL NOTE REQUESTED		
2/17	HEARING		
2/17	FISCAL NOTE RECEIVED		
2/17	FISCAL NOTE PRINTED		
2/20	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/22	2ND READING PASSED	77	22
2/24	3RD READING PASSED	80	19
	TRANSMITTED TO SENATE		
3/01	FIRST READING		
3/01	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/17	HEARING		
3/23	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/27	2ND READING CONCURRED	32	16
3/29	3RD READING CONCURRED	37	11
	RETURNED TO HOUSE WITH AMENDMENTS		
4/01	2ND READING AMENDMENTS CONCURRED	91	7
4/02	3RD READING AMENDMENTS CONCURRED	88	11
4/13	SIGNED BY SPEAKER		
4/13	SIGNED BY PRESIDENT		
4/14	TRANSMITTED TO GOVERNOR		
4/19	SIGNED BY GOVERNOR		

CHAPTER NUMBER 415
EFFECTIVE DATE: 10/01/93

HB 611 INTRODUCED BY WISEMAN

GENERALLY REVISE RESIDENTIAL LANDLORD AND TENANT LAWS

2/13	INTRODUCED
2/13	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT
2/13	FIRST READING
2/17	HEARING
2/17	TABLED IN COMMITTEE

HB 612 INTRODUCED BY DOLEZAL

PROTECT CONSUMERS FROM TELEPHONE SOLICITATION FRAUD AND UNDUE PRESSURE.

2/13	INTRODUCED
2/13	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT
2/13	FIRST READING
2/13	FISCAL NOTE REQUESTED
2/17	HEARING
2/17	TABLED IN COMMITTEE
2/19	FISCAL NOTE RECEIVED
2/20	FISCAL NOTE PRINTED

HB 613 INTRODUCED BY EWER

GENERALLY REVISE LOCAL GOVERNMENT GENERAL OBLIGATION AND REVENUE BONDS

2/13	INTRODUCED

STATE OF MONTANA - FISCAL NOTE
Form BD-15
In compliance with a written request, there is hereby submitted a Fiscal Note for HB0609, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:
An act transferring the investigative functions related to alcoholic beverage licensing and enforcement, tobacco, and public assistance from the Department of Revenue to the Department of Justice; generally revising the laws to conform to the transfer of functions to the Department of Justice; providing an appropriation.

ASSUMPTIONS:
Department of Revenue:
1. The investigations unit, consisting of 12.00 FTE, would be transferred to the Department of Justice.
2. The fiscal impact for the general appropriations act is relative to the executive budget recommendation for the investigations unit. The precise amount of budget authority to be transferred is contingent upon final legislative action on the general appropriations act.

Department of Justice:
3. It is assumed that the current level authority for the 12.00 FTE will be transferred to the Gambling Control Division which will allow for improved coordination of work involving the same business establishments.
4. The bill provides for an appropriation of $215,000 for the biennium, separate from the general appropriations act, for additional costs estimated by the Department of Justice. The transfer will have an expenditure impact to be funded by the Liquor Enterprise funds. The increases are for: upgrades of 8.00 FTE investigators from Grade 14 to Grade 16 to be consistent with the other investigators in the Department of Justice, additional moving, rent, and training expenses, and equipment including one vehicle, computers and printers, computer software, special law enforcement equipment, and copy machines.
5. The liquor enterprise fund appropriation will result in a like reduction in liquor profits deposited in the state general fund. Under current law, liquor profits are expected to total $8,960,000 over the biennium (HJR3).

(continued)

Dave Lewis 2-19-93
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

2-19-93
DAVID WANZENREID, PRIMARY SPONSOR DATE

FISCAL IMPACT:

Expenditures:

DoR Director's Office (general appropriations act)

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
FTE	34.50	22.50	(12.00)	34.50	22.50	(12.00)
Personal Services	1,304,670	933,605	(371,065)	1,315,569	943,268	(372,301)
Operating Expenses	340,116	261,683	(78,433)	228,567	149,391	(79,176)
Equipment	24,907	4,185	(20,722)	12,463	0	(12,463)
Local Assistance	15,000	0	(15,000)	15,000	0	(15,000)
Total	1,684,693	1,199,473	(485,220)	1,571,599	1,092,659	(478,940)
Funding:						
General Fund	1,084,522	995,181	(89,341)	1,010,285	922,136	(88,149)
State Special Revenue	4,548	4,548	0	0	0	0
Federal Special Revenue	118,016	4,269	(113,747)	112,427	0	(112,427)
Proprietary	477,607	195,475	(282,132)	448,887	170,523	(278,364)
Total	1,684,693	1,199,473	(485,220)	1,571,599	1,092,659	(478,940)

DoJ Gambling Control Div (general appropriations act)

	FY94			FY95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
FTE	34.00	46.00	12.00	34.00	46.00	12.00
Personal Services	1,201,950	1,573,015	371,065	1,207,350	1,579,651	372,301
Operating Expenses	365,600	444,033	78,433	368,900	448,076	79,176
Equipment	50,350	71,072	20,722	50,350	62,813	12,463
Local Assistance	0	15,000	15,000	0	15,000	15,000
Total	1,617,900	2,103,120	485,220	1,626,600	2,162,540	478,940
Funding:						
General Fund	0	89,341	89,341	0	88,149	88,149
State Special Revenue	1,617,900	1,617,900	0	1,626,600	1,626,600	0
Federal Special	0	113,747	113,747	0	112,427	112,427
Proprietary Fund	0	282,132	282,132	0	278,364	278,364
Total	1,617,900	2,103,120	485,220	1,626,600	2,162,540	478,940

DoJ Gambling Control Div (HB0609-biennial appropriation)

	FY94/95		
	Current Law	Proposed Law	Difference
Personal Services	0	95,000	95,000
Operating Expenses	0	34,000	34,000
Equipment	0	86,000	86,000
Total	0	215,000	215,000
Funding:			
Proprietary Fund	0	215,000	215,000
Biennial Revenues:			
Liquor Profits (GF)	8,960,000	8,745,000	(215,000)
Net Impact:			
General Fund			(215,000)

current expenditure limitation works and as **REP. BERGSAGEL** mentioned in the current biennium for 1995 this expenditure limit would allow the legislature to spend $290 million more than the executive budget recommended. Currently the expenditure limitation is far in excess of what the legislature is spending.

REP. WISEMAN said, as an example, if they get in an era of higher inflation where inflation across the whole spectrum is 20% a year. That means before they could expend the money in that kind of scenario it would require a 2/3 vote of both houses each year. **REP. BERGSAGEL** said any additional spending, in order to be in excess of 97%, would require a 2/3 vote. For example, if the legislature wanted to spend 100% of all revenues received, the 3% in excess of the 97% cap, would require a 2/3 vote. If a tax is passed in the current biennium that generated another $50 million, in order to spend the money, it would require a 2/3 vote of the legislature (of each house).

REP. PETERSON said to continue, but the tax would go as a regular vote as it does now. **REP. BERGSAGEL** said that is correct. **REP. PETERSON** said then to spend it, would require the 2/3 vote.

Closing by Sponsor: **REP. BERGSAGEL** said in the short time he has been a legislator he has been frustrated because they have spent all the "pots of gold" and they are gone. One of the things he would like to do is force them, as legislators, to operate like everyone else, within their means and get a handle on how the money is spent. This is the way he decided to present it and go with it.

CHAIRMAN ZOOK closed the hearing on HB 647.

HEARING ON HB 609

An Act transferring the investigative functions relating to alcoholic beverage licensing and enforcement, tobacco, and public assistance from the Department of Revenue to the Department of Justice.

Opening Statement by Sponsor: **REP. DAVE WANZENRIED, HD 7,** said this bill is a proposal to transfer investigative functions from the Department of Revenue to the Department of Justice. It proposes to transfer, after consolidating investigative functions, 12 FTE from the Department of Revenue to the Department of Justice, 8 of those positions are currently located in the liquor division and 4 of those positions are currently located in the Welfare Fraud Program. The idea is to streamline the investigative process involved with liquor licensing and gambling. The background checks required in both cases are performed by two different agencies, so there are two sets of investigations, two sets of staff, in many cases doing the same kind of work. The proposal is to merge those into one unit in the Department of Justice. The fiscal note shows there will be an up front cost to merge the program into one unit. It is going

to cost $215,000 to do that.

The most important thing to keep in mind is that what they are proposing to do is to look at this as a point of beginning in transferring functions from the Department of Revenue to the Department of Justice.

The funding source for the $215,000 is the Liquor Enterprise Fund which is the profit of the liquor control program. The transfer is of staff and function. The responsibility of issuing the licenses, once the investigations are done for liquor, is the Department of Revenue. The investigative functions that are currently being transferred for Welfare Fraud would report back to the Department of SRS. They are looking at the Department of Justice being an agent of those two departments.

There are amendments to the bill, that **Mr. Tippy** and the Department have worked out to clarify the ruling that authority is being extended to the Department of Justice in carrying out the investigative responsibilities.

Proponents' Testimony: **Dennis Taylor, Deputy Director, Department of Justice** said the proposal is the product of a joint study by the Department of Justice and the Department of Revenue that has been underway since 1989. From its inception they believe they are able to take this first step in interagency efforts to coordinate, streamline and enhance services. The Attorney General believes these are appropriate functions to come under the jurisdiction of the Department of Justice. Combining like functions increases overall effectiveness.

Jack Ellery, Deputy Director, Department of Revenue said as **Mr. Taylor** alluded, in 1989 they transferred a number of investigators from the Department of Revenue to the Gambling Division, which was created at that time. At the time they coordinated the transfer, they concluded it was a good idea. This is a prime example of agencies recognizing potential for streamlining operations and improving services to the taxpayer and actually coming before the legislature with this idea.

Mike Lavin, Governor's Office said in the last three years he has had the opportunity to participate in the creation of the Gambling Control Division and observe both its and the Liquor Control Regulatory functions. What became clear early on was the licensing and investigative responsibilities of both were nearly identical and lend themselves ideally to consolidation.

Individuals holding the licenses deserve reduced paper work and bureaucratic overlap and being able to get as many answers as possible from one single source. HB 609 will definitely eliminate much of the duplication, streamline the process and send a message that this is good government.

Larry Akey, Montana Coin Operators' Association in support of HB

609. As earlier proponents have indicated this bill originated out of discussions the last several years. His association has been involved with those discussions because they are concerned about the time delays that occur often in the transfer of liquor licenses and gambling licenses. He has one concern about HB 609 and that is how, if these two functions are combined, are they going to handle funding issues, not so much in this fiscal year but fiscal years down the road. Gambling and the Gambling Control Division today is paid for entirely by fees from the gambling industry. Liquor investigation is paid for by revenue generated by the sale of liquor. Their concern is, as they move through this consolidation, and from their perspective, they don't end up with a cross-subsidization, that the gambling industry doesn't pay for liquor investigations; from the liquor industries perspective, that they don't end up paying for gambling investigations. That is an issue that needs to be worked through.

This bill does require a small general fund appropriation but, without the ability to bring the liquor investigators across with adequate funding, I would be very concerned they end up not improving the efficiency in the licensing process but, in fact, causing it to become more inefficient.

Opponents' Testimony: None

Questions From Committee Members and Responses: **REP. WISEMAN** asked, if we are improving efficiencies, why aren't we cutting FTE and why isn't there cost savings? **Mr. Taylor** said right now there seems to be tremendous pressure on both liquor and gambling agencies. They have been coming in individually asking for increased FTE in order to meet the demands for timely licensing and applicants. By consolidation they believe they would not come before the legislature for more FTE.

Mr. Ellery said the situation is the same in the Department of Revenue. They have a tremendous workload and transfer hundreds of licenses every year. They have 8 investigators to cover the entire state of Montana. That is why this proposal makes so much sense. They will be able to keep up with transfers and background investigations to improve the overall productivity.

Informational Testimony: **Roger Tippy, Proponent with an Amendment, EXHIBIT 1**, said he was representing the Montana Beer and Wine Wholesalers' Association. He read this bill and had one concern with the delegation of rule-making powers through the Department of Justice. He had a problem with page 10, line 19 which is the Section in the alcoholic beverage code. Also on page 33, "the Department of Justice may adopt rules which implement this Act". This Act includes quite a number of code sections from the alcoholic beverage code and without further clarifications, could have a situation someday, not the present administration, where the Governor and the Attorney General might not get along as well.

Questions from Committee members and responses: **REP. QUILICI** said the General Government and Transportation subcommittee has looked at these budgets for a number of years and the FTE associated with investigations has been kept down. By combining these two functions with existing FTE it will help them do a better job.

Closing by Sponsor: **REP. WANZENRIED** underscored one of the points that was made by **Mr. Akey.** Although seeking to transfer these functions and consolidate them, he would caution against making any reductions in staffing. The people involved in this happen to be the former Attorney General, now Governor; a member of this body, former **SENATOR MAZUREK** now Attorney General **Mazurek** and the staffs have been involved on the Justice side and now, in the Department of Revenue side, **Mr. Robinson.** They have done a good job of putting together a defensible reason for each and include additional funding for the transfer.

This bill will allow us to consolidate those resources out there and do a better job and will probably result in general fund savings.
CHAIRMAN ZOOK closed the hearing on HB 609

HEARING ON HB 654

An Act to eliminate youth forest camp work program.

Opening Statement by Sponsor: **REP. ROGER DeBRUYCKER, HD 13** said this bill is a repealer. They took the money away from State Lands to operate the Swan River camp and without the money they don't need the business.

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members and Responses: **REP. WANZENRIED** asked **REP. DeBRUYCKER** to explain "took the money away" and what will not be done at the Swan River camp that is currently being done? **REP. DeBRUYCKER** said the Department of State Lands recommended 5 FTE for the Swan River camp. They supervise building, working with wood etc. and Swan River Forest camp now will be continued as a boot camp so the funding and FTE were taken away and a statute change is needed. So that is roughly what this bill does. **REP. WANZENRIED** asked what the status is with the boot camp. The subcommittee on Human Services did not include funding for that program. **REP. DeBRUYCKER** said the Department of State Lands sent five people there for a training program and the Natural Resources subcommittee said it is not a needed function even if the Swan River camp was to continue as it was.

REP. GRADY said in the Institutions subcommittee they decided to convert the Swan River Forest camp to a boot camp and will no

longer be able to allow the prisoners out into the work areas which the 5 FTE were supervising so they are no longer needed in the State Lands budget.

REP. PECK said he does not know the difference between the Forest camp and a boot camp. **REP. MENAHAN** said over the years there were fire fighting crews, logging, forest thinning crews and all the people working at the youth camp. That is being eliminated. There is room for 55 inmates and it will be cut back to about 50 and will be a 90-day military basic boot camp program for young offenders, if they agree to go. After 90 days the inmates can go out on parole.

REP. NELSON asked if this bill is premature? It is not a done deal yet that its converted to a boot camp. They did recommend that in the committee but it has a long way to go. **REP. DeBRUYCKER** said that is probably right but he believes the Department of State Lands has people there, the SCS has people there, the Department of Corrections has people there and there seems to be a lot of duplication. The people from the Department of State Lands were more or less trainees. **CHAIRMAN ZOOK** said **REP. GRADY** has a good suggestion that the committee will have to hold off executive action on this until after they get through HB 2.

REP. BARDANOUVE said the Swan River Forest camp has been one of the most successful programs they have had in Montana so he cannot support the bill.

Closing by Sponsor: **REP. DeBRUYCKER** closed.

CHAIRMAN ZOOK closed the hearing on HB 654.

EXECUTIVE ACTION ON HB 609

Motion: **REP. FISHER moved to take action on HB 609 for executive action.**

Motion/Vote: **REP. WANZENRIED moved the amendment proposed by Roger Tippy, EXHIBIT 1. Motion carried unanimously.**

Discussion: **REP. WANZENRIED** referred the committee to page 3 of the Fiscal Note, which shows the general fund impact is from the Liquor Enterprise fund which is the profit after all the expenses. That profit is passed into general fund at the end of the fiscal year.

Ms. Cohea referred the committee to page 2 of the Fiscal Note saying it will actually help them with regard to the target because it will reduce general fund spending by $167,000. However, it will reduce revenue so on the flip side of the status sheet, showing revenues, it would show a negative $215,000 revenue impact.

REP. GRADY said this will put them over the 99/99 base. **Ms. Cohea** said yes, in a sense it would reduce revenue. **REP. GRADY** said there is an impact and he is uncomfortable voting for this bill at the present time.

REP. QUILICI said although it impacts funds going into the state general fund, in the long run by combining both these agencies there will be a savings in the total budget as well as expedite services to taverns.

Ms. Cohea said from the point of view of expenditures what it saved in the general fund in revenue is spent in the Gambling Control Division so there is no impact on the target. The increased spending in the Gambling Control Division, the biennial appropriation shown on the page 3 of the Fiscal Note, is a new expenditure that has not appeared before. It is funded out of the liquor profits, therefore, it reduces the money that goes into the general fund so the net impact of the whole bill is a loss of $215,000 of general fund revenues.

REP. WANZENRIED said there is a one-time cost associated with the transfer. Part of it has to do with positions being transferred from the Department of Revenue and not classified on the same level as the Department of Justice and need to be brought up. There are some other costs associated with rent.

Motion: **REP. FISHER** moved **HB 609 DO PASS AS AMENDED.**

Discussion: **REP. QUILICI** said he has a concern "increases for the upgrades of 8 FTE", page 1, of the Fiscal Note. Evidently, the investigators in Revenue weren't making as much as investigators in Justice. **Jan Dee May, Department of Justice** said the investigators in the Gambling Division do a far more complex investigation than the Liquor Division. Their classifications are being reviewed now and what she is hearing from the DofA classification group is if the Liquor folks work for the Gambling Division they would be eligible for an upgrade. **REP. QUILICI** said along with that is there an assumption these investigators are getting into more technical work and will need additional training and how will that training come about? **Ms. May** said her Division is in negotiations right now and cannot specifically answer who would do the training.

REP. MENAHAN said they lost a lot of money in the industry and people are not investigated fast enough and poker machines are sitting idle.

REP. WISEMAN said he supports the bill fully but is not ready to vote right now. He would like to keep a list of bills to prioritize later on when they get down to the final dollars.

Motion: **REP. WISEMAN made a substitute motion to Table HB 609.**

Motion: **REP. GRADY moved HB 609 pass for the day.**

Motion/Vote: **REP. WISEMAN withdrew his motion and moved to pass HB 609 for the day only. Motion carried unanimously.**

EXECUTIVE ACTION ON HB 632

Motion: **REP. MENAHAN** moved **HB 632 (Gray Bill) DO PASS AS AMENDED.**

Discussion: **REP. GRADY** spoke in favor of this bill and thinks it is something they should have been doing some time ago. We have facilities in state to house the youth that are now in facilities out-of-state. They should be brought back.

REP. BARDANOUVE said this is the first concrete proposal that has been carefully prepared. The bill should be passed.

REP. KASTEN said she doesn't disagree with the bill, however, is not quite sure what they did in the Human Service subcommittee when they rejected and took out the "family of one" rule and took away in-patient psychiatric care and have funneled everything through the Department of Family Services.

REP. WANZENRIED said the way the "family of one" rule was applied and the way in which we disqualified the in-patient psychiatric care program, we made the very highly intensive treatment program in general fund and will try to get these kinds of people into the system at lower levels of treatment. The idea is they will not be in the system as long. There is one thing to be recognized. There are a number of facilities, including one in Helena, who are not medicaid eligible and for that reason there are some instances where these people could be kept in state but because the facility is not medicaid eligible, patients are sent to Lewiston, Idaho which is medicaid eligible and keeps down our general fund costs. There is more that needs to be done. This bill, by itself, is not going to solve the problem. We do want to keep the youth as close to home as possible because indications are they more likely to recover more quickly. There is more to be done than just keeping them in-state.

REP. KASTEN said there are two sets of amendments and would like a clarification. **REP. PECK** said one is the revised bill with the amendments in it, the Gray Bill.

REP. PECK said he agrees with **REPS. WANZENRIED** and **BARDANOUVE.** This is merely setting up a coordinating committee that is going to have an overview of all of this and it has gone out to a number of different sources now and there is nobody keeping track of it. The bill is a first step and a very vital step.

Vote: **Motion passed unanimously.**

EXECUTIVE ACTION ON HB 500

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL DATE 3/5/93 AM

NAME	PRESENT	ABSENT	EXCUSED
REP. ED GRADY, V. CHAIR	✓		
REP. FRANCIS BARDANOUVE	✓		
REP. ERNEST BERGSAGEL	✓		
REP. JOHN COBB	✓		
REP. ROGER DEBRUYKER	✓		
REP. MARJ. FISHER	✓		
REP. JOHN JOHNSON	✓		
REP. ROYAL JOHNSON	✓		
REP. MIKE KADAS	✓		
REP. BETTY LOU KASTEN	✓		
REP. WM. "RED" MENEHAN	✓		
REP. LINDA NELSON	✓		
REP. RAY PECK	✓		
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI	✓		
REP. DAVE WANZENREID	✓		
REP. BILL WISEMAN	✓		
REP. TOM ZOOK, CHAIR	✓		

House Bill 609
Amendments

EXHIBIT 1
DATE 3/5/93
HB 609

Statement of Intent, page 1, line 24
Following: "~~general.~~" "bill."
Insert: "Rules for inspections of premises, records, etc. ~~currently published as department of revenue rules, such~~ as ARM 42.12.207 and ~~42.13.103~~ will become department of justice rules. Any amendments later adopted by the department of justice must conform to constitutional ~~standards for administrative search and seizure~~ as applied to businesses in general. ~~If the attorney~~ general assigns the investigative positions to the gambling control division, he should create a distinct program dealing with those types of alcoholic beverage ~~licenses not associated with gaming licenses~~.

~~The department of justice is to limit its rulemaking to investigative procedures and to accept the substantive~~ rules and ~~other interpretations of the Montana Alcoholic~~ Beverage Code issued by the department of revenue. The ~~pending compilation by the liquor division of rulings, official legal opinions, and interpretations~~ should be completed and published as soon as possible, and is to be ~~consulted by department of justice personnel in all~~ issues ~~of substantive~~ interpretation.

Page 10, lines 18-19
Following: "department"
Strike: "and the department of justice"

Page 33, lines 5-6
Following: "implement"
Strike: "[this act]."
Insert: "[sections 17 through 24]."

THE INVESTIGATIVE FUNCTIONS FOR WHICH RULEMAKING MAY BE DONE ARE LIMITED TO THE FACT-FINDING RESPONSIBILITIES OF INVESTIGATORS AND THE SEARCH AND SEIZURE FUNCTIONS ASSOCIATED WITH ILLEGALLY STORED OR TRANSPORTED ALCOHOLIC BEVERAGES OR TOBACCO PRODUCTS.

EXHIBIT 1
DATE 3/5/93
HB 609

Amendments to House Bill No. 609
Introduced Copy

Requested by House Appropriations Committee

Prepared by Roger Lloyd
March 5, 1993

1. Page 1, line 24.
Following: "bill."
Insert: "The investigative functions that rulemaking may address are limited to the factfinding responsibilities of investigators and the search and seizure functions associated with illegally stored or transported alcoholic beverages or tobacco products."

2. Page 10, lines 18 and 19.
Following: "department"
Strike: "and the department of justice"

3. Page 33, lines 5 and 6.
Following: "implement"
Strike: "[this act]"
Insert: "[sections 17 through 24]"

{Office of Legislative Fiscal Analyst 444-2986}

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/5/93 BILL NO. HB 609 NUMBER

MOTION: Rep. Wanzenried moved to adopt amendments proposed by Roger Tipy, Exhibit 1. Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. FRNEST BERGSAGEL	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/5/93 BILL NO. HB 609 NUMBER

MOTION: Rep. Wiseman withdrew his motion and moved to pass HB 609 for the day only. Motion carried unanimously.

NAME	AYE	NO
Rep. Ed Grady, V. Chair	X	
Rep. Francis Bardanouve	X	
Rep. Ernest Bergsagel	X	
Rep. John Cobb	X	
Rep. Roger DeBruyker	X	
Rep. Marj. Fisher	X	
Rep. John Johnson	X	
Rep. Royal Johnson	X	
Rep. Mike Kadas	X	
Rep. Betty Lou Kasten	X	
Rep. Wm. Red Menahan	X	
Rep. Linda Nelson	X	
Rep. Ray Peck	X	
Rep. Mary Lou Peterson	X	
Rep. Joe Quilici	X	
Rep. Dave Wanzenreid	X	
Rep. Bill Wiseman	X	
Rep. Tom Zook, Chair	X	
	18	0

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Appropriations COMMITTEE BILL NO. _____

DATE 3/5/93 SPONSOR(S) _____

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Pete Strudrick	DCHS	HB 632	
R. C. Cashbreak	DOR	HB 609	
Diana Koon	MDOR	HB609	
William Egan	MT Conf Elec J Wkrs	HB549	
DENNIS M. TAYLOR	JUSTICE	HB609	
Robert Runkel	OPI	HB 632	
Bob Oakman	School Asstn Public		
William Dalton	U of M Law School		
Roger Tippy	Mt Beer & Wine Wholesalers Assoc.	HB609 (amd.)	
Mike LAVIN	Gov.'s office	HB609	
HARRY AKEY	COIN OPERATOR'S ASSOCIATION	HB609	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

action to reduce agencies by 5% would be managed by not filling vacancies of retired staff. Since the money was eliminated by the 5% reduction, no savings could be demonstrated with HB 517.

REP. ROYAL JOHNSON asked whether the bill was necessary. **Ms. Cohea** explained the bill changed retirement benefit statutes for members of the Public Employees' Retirement System (PERS). She said currently PERS members cannot retire at 25 years without a loss of benefits; the bill would provide a window of opportunity for 25-year retirement by PERS members. She said the projected savings from HB 517 was part of the administration's basis for the 5% personal services reduction efficiencies; without the bill, the basis would not be in place.

Vote: **HB 517 DO PASS. Motion carried 13 to 4 with REPS. BARDANOUVE, ROYAL JOHNSON, KASTEN, and PECK voting no.**

EXECUTIVE ACTION ON HB 609

REP. WANZENRIED explained HB 609 transferred the investigative function for liquor investigations and AFDC fraud from the Department of Revenue to the Department of Justice and resulted in a one-time transfer of $215,000. He reminded the committee that the issue with the bill was the upgrading of positions from Grade 14 to Grade 16 when investigators transferred to the Department of Justice. He explained the purpose of the transfer was to allow for a single investigation of both liquor and gambling. He suggested the bill was the first step in a total transfer of investigative functions to the Department of Justice.

Motion: **REP. WANZENRIED MOVED HB 609 DO PASS.**

Motion/Vote: **REP. WANZENRIED MOVED TO AMEND HB 609 TO INSERT: "The investigative functions that rulemaking may address are limited to the factfinding responsibilities of investigators and the search and seizure functions associated with illegally stored or transported alcoholic beverages or tobacco products." Motion carried unanimously.**

Motion: **REP. WANZENRIED MOVED HB 609 DO PASS AS AMENDED.**

Discussion: **REP. MENAHAN** asked whether a reduction of staff was possible with the consolidation of functions. **Janet Jessup, Administrator, Gambling Control Division,** explained that two areas were affected: gambling control and welfare fraud. Only six investigators would be transferred to the gambling division. She said of the five positions added to the gambling division in 1991 only two were investigators. Thus, the gambling division was picking up six investigators and two clerical positions; the welfare fraud division was picking up three investigators and clerical position.

[illegible] stated money would need to be transferred in HB 2.

Vote: HB 609 DO PASS AS AMENDED. Motion carried 17 to 1 with REP. ZOOK voting no.

EXECUTIVE ACTION ON HB 654

Motion: REP. DeBRUYCKER MOVED HB 654 DO PASS.

Discussion: REP. QUILICI asked how many employees would be affected by the elimination of the Department of State Lands youth forest camp work program. REP. GRADY responded the bill would result in a reduction of 3.5 FTE; he noted the funds had already been eliminated from HB 2.

Vote: HB 654 DO PASS. Motion carried 13 to 5 with REPS. BARDANOUVE, KADAS, MENAHAN, QUILICI, and WISEMAN voting no.

EXECUTIVE ACTION ON 655

Motion: REP. GRADY MOVED HB 655 BE TABLED.

Discussion: REP. GRADY explained the bill would take $1 million and direct it to river restoration. He said the department could already do that through long-range planning. He said Trout Unlimited and most wildlife organizations opposed the bill.

Motion/Vote: REP. BARDANOUVE MADE A SUBSTITUTE MOTION THAT HB 655 DO PASS.

Discussion: REP. ROYAL JOHNSON supported REP. BARDANOUVE stating more money needed to be directed toward river restoration. He recalled REP. SIMON had testified that he was trying to generate more movement in this area with the bill.

CHAIRMAN ZOOK asked Mr. Lewis to comment on the fiscal note. Mr. Lewis reported there was an error in the bill which directed that federal funds be placed in a special revenue account. He said if the bill is passed, it would need to be amended.

REP. BARDANOUVE and REP. GRADY withdrew their motions.

EXECUTIVE ACTION ON HB 492

Motion: REP. GRADY MOVED HB 492 BE TABLED.

Discussion: REP. ROYAL JOHNSON said he supported the motion because the Miami program had been approved for funding and Healthy Start (HB 492) had enough money from grants to start a pilot program.

Vote: HB 492 BE TABLED. Motion carried 17 to 1 with REP. WANZENRIED voting no.

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL DATE 3/12/93 P.m.

NAME	PRESENT	ABSENT	EXCUSED
Rep. Ed Grady, V. Chair	✓		
Rep. Francis Bardanouve	✓		
Rep. Ernest Bergsagel	✓		
Rep. John Cobb	✓		
Rep. Roger DeBruyker	✓		
Rep. Marj. Fisher	✓		
Rep. John Johnson	✓		
Rep. Royal Johnson	✓		
Rep. Mike Kadas	✓		
Rep. Betty Lou Kasten	✓		
Rep. Wm. "Red" Menehan	✓		
Rep. Linda Nelson	✓		
Rep. Ray Peck	✓		
Rep. Mary Lou Peterson	✓		
Rep. Joe Quilici	✓		
Rep. Dave Wanzenreid	✓		
Rep. Bill Wiseman	✓		
Rep. Tom Zook, Chair	✓		

HOUSE STANDING COMMITTEE REPORT

March 15, 1993

Mr. Speaker: We, the committee on Appropriations report that House Bill 609 (first reading copy -- white) do pass as amended.

Signed: Tom Zook
Tom Zook, Chair

And, that such amendments read:

1. Page 1, line 24.
Following: "bill."
Insert: "The investigative functions that rulemaking may address are limited to the factfinding responsibilities of investigators and the search and seizure functions associated with illegally stored or transported alcoholic beverages or tobacco products."

2. Page 10, lines 18 and 19.
Following: "department"
Strike: "and the department of justice"

3. Page 33, lines 5 and 6.
Following: "implement"
Strike: "[this act]"
Insert: "[sections 17 through 24]"

-END-

Committee Vote:
Yes 17, No 1.

581550SC.Hpf

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 609 NUMBER

MOTION: Rep. Wanzenried moved to amend HB 609 to insert: "The investigative functions that rulemaking may address are limited to the factfinding responsibilities of investigators and the search and seizure functions associated with illegally stored or transported alcoholic beverages or tobacco products." Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEL	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WANZENRIED	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 609 NUMBER

MOTION: Rep. Wanzenried moved HB 609 DO PASS AS AMENDED

Motion carried 17 - 1

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEL	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WANZENRIED	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR		X
	17	1

dealing with the functions the office performs.

HEARING ON HOUSE BILL 609

Opening Statement by Sponsor:

Senator Harry Fritz, Senate District 28, opened the bill for Rep. Wanzenried. HB 609 transfers investigative functions relating to alcoholic beverage licensing enforcement from the Department of Revenue to the Department of Justice.

Proponents' Testimony:

Mick Robinson, Director of the Department of Revenue, said this combination for investigative functions has been studied for nearly a year with the Departments of Revenue and Justice. The Department of Revenue does not have the expertise to conduct investigations properly which is the key reason for transferring those to Justice. The quality of the investigative service would be enhanced significantly. Efficiency and effectiveness can be arrived at regarding the combination of the liquor and gambling investigations. Right now there is a lot of duplication regarding the issuance of those licenses. Both departments now investigate and study the applicants, one for gambling and one for liquor, and by combining those, the time could be reduced significantly. The amount of travel time would also be reduced. This is a good government bill. The taxpayers and the owners of establishments will be receiving much better service.

Dennis Taylor, Deputy Director of the Department of Justice, said they support HB 609.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Swysgood said it is a good idea to avoid duplication. He said his concern is on the fiscal note that upgrades investigators from a grade 14 to a 16 and also equipment transfers. He asked if this investigation is already going on in the Department of Revenue, why can't the equipment be transferred, and why are the upgrades needed.

Mr. Taylor said there would be 8 investigators that would be transferred from the Department of Revenue to the Department of Justice. They are currently a grade 14 and when they come to the Department of Justice, they will not only conduct liquor investigations, but will also be involved with investigations for the gambling control division. They will have more complex work and will be graded like the current investigators in the Gambling Control Division. The equipment they currently have in the

Department of Revenue is not compatible with the computer system that is maintained by the Gambling Control Division. There are also expenses for the one time moving costs of individuals to put them in the field closer to the applicant licensees they will be inspecting. It will reduce over time the travel costs. These are one time only costs to make this transition.

Senator Jacobson said half of that is one time only. The other half, for upgrades, is forever.

Mr. Taylor said $95,000 will be an ongoing cost.

Senator Swysgood, referring to the fiscal note, said it showed equipment at $20,000 and operating expenses at $78,000, for a total of $98,000, and with the upgrades it would be $193,000.

Senator Beck said the reason for the upgrades was the investigators had to be trained to do the gambling control. He asked if they expected to do the same in reverse to the people that are already in the Gambling Control Division to learn the liquor and alcohol licensing.

Mr. Taylor said that was right, they will both have increased responsibilities for investigations related to the liquor laws as well as Gambling Control statutes.

Senator Beck asked regarding the people from the Department of Revenue to the Department of Justice from a grade 14 to 16, would they plan to raise the people already in the Department of Justice from a grade 16 to an 18.

Mr. Taylor said based on the work of two departments and personnel officers in coordination with the state personnel division, he doesn't believe the addition of the duties will result in an upgrade from a 16 to a 17. They will all be classified at grade 16 level because of their combined duties and responsibilities.

Senator Jacobson asked if they would have one person in different fields doing both of the functions.

Mr. Taylor said yes, some of the individuals will be assigned to the welfare fraud investigation and the remainder of the eight will be in the gambling control division. They will be stationed around the state, and this would be part of the moving expenses.

Senator Devlin said through consolidation there should be a savings.

Mr. Taylor said if the Departments of Justice and Revenue had not worked together over the last several months, both departments would be before this legislature asking for 3 FTE each. By combining the two responsibilities, they would be able to do better work by pooling these responsibilities.

Senator Bianchi asked if under this process, gambling and liquor licenses would be issued in the same period of time.

Mr. Taylor said right now because of requirements of the gambling control statutes, they do issue the licenses about the same time.

Senator Bianchi said they were not anywhere near the same time.

Mr. Robinson said this is basically just transferring the investigative function and there is no change in statute regarding the time lines. The application for the licenses will probably coincide in terms of timing. There will still be differences in terms of when each individual license would be issued, but they will be pulled closer together in terms of the timing. In the future, hopefully, they can move toward a more uniform approach in terms of the requirements for each license and what must be done in order to have a license issued.

Senator Bianchi asked why if they were going to have one investigator, they couldn't be issued at the same time.

Mr. Robinson said it will basically be a joint investigation going on, but they have different statutory requirements, especially for liquor licenses and gambling licenses. At this time they are not recommending to change those, but one of the areas they will be working over the next two year period is a study of the entire process regarding the liquor license issuance.

Senator Swysgood said they are establishing three new offices for liquor, and asked where the current offices are located.

Mr. Robinson said he could not respond in terms of where they are within the Department of Revenue, but he thinks all but one of the investigators are outside of Helena. The Department of Justice intends to basically take a look at the work load and the areas in which the applications are coming and try to fill the offices or have people located where the volume of work is.

Senator Swysgood asked if there were support staff linked with the liquor investigators and the Welfare Fraud investigators in the Department of Revenue.

Mr. Robinson said yes, there are three support staff, two connected with the liquor and one connected with the welfare fraud, and those would be transferred along with the investigators.

Mr. Taylor said the only personal service costs that the Department of Justice is asking for is the $95,000 for the upgrade of the eight investigators from grade 14 to a grade 16.

Senator Swysgood said that wasn't what the sheet shows. He said they are transferring the 12 FTE from the Department of Revenue to the Department of Justice. The Department of Revenue is taking a decrease in revenue for that personal service, and the Department of Justice is getting an increase. (Exhibit 4)

Senator Hockett asked the Department of Justice if they would have one person now doing the investigations instead of two.

Mr. Taylor said right now there are regional supervisors in the Gambling Control Division who will supervise each of the field agents and we will be working on requirements for the Department of Revenue so there will be a check within the Department of Justice and within the liquor division on the individual investigators. They will have agents going to the applicant licensee and will only have to produce basic information one time for both department needs. It will also reduce duplication of application information.

Senator Hockett asked Senator Fritz if these people moving to the Department of Justice would be going to the sheriff's retirement system. These people were under PERS before.

Mr. Taylor said if HB 650 is adopted by the Legislature and signed by the Governor, these eight investigators have the option of either remaining with PERS or becoming a member of the sheriff's retirement system.

Senator Hockett said the sheriff's are 24 years and the others are 30 years, and they are talking about going down to 20 years. He is concerned about additional costs that don't show up here. The committee needs to be aware of this long term implication.

Mr. Taylor said if HB 650 is adopted by the Legislature, their estimation of the additional cost to the department for retirement would be about one per cent of salaries. If this bill does pass, they will have a better opportunity to recruit from existing law enforcement personnel for investigative positions.

Closing by Sponsor:

Senator Fritz closed by saying the bill conforms to the doctrines for consolidating government; instead of having two agencies each asking for new people, you look from the top down for people that do similar things and combine them. He thinks money will be saved.

EXECUTIVE ACTION ON HOUSE BILL 609

Motion: Senator Bianchi moved House Bill 609 BE CONCURRED IN.

Discussion: Senator Aklestad asked how voting would be handled when some committee members have other meetings. Can votes be

cast after the vote has been taken on some of the executive actions.

Senator Jacobson said she would be calling those people back to committee for Executive Action. It will have to be the person's own responsibility to leave a written vote if they wish to be recorded.

Senator Beck asked about amendments that would come up in Executive Action.

Senator Aklestad said on minor amendments, would it be possible to give those amendments verbally rather than having them typed and passed out.

Senator Jacobson asked what kind of a minor amendment Senator Aklestad had.

Senator Aklestad said he would propose to pull some of the monetary funding out of the bill. He said he has no problem with the transfer, but some of the money they are asking for in the transfer, he would question how efficient that is.

Senator Jacobson said he has a right to make an amendment but the Legislature does not have any control over upgrades. That may be unfortunate and something to look into, but right now the Department of Administration controls upgrades.

Senator Beck said when jobs are combined to make them more efficient, we should be able to cut down on the FTE. He said we are transferring the full 12 FTE over and wondered if there was a possibility of transferring 8 FTE rather than 12.

Senator Bianchi said the Department of Justice has already had two FTE's cut in the investigative branch.

Jan Dee May, Department of Justice said they have lost 2 FTE's in the gambling division, but they are licensing individuals, not investigators. She said gambling control division's activities are "going through the roof" with no downturn in sight. With each additional permit or license, it takes investigative work. They did not come in for additional investigators this session because if the consolidation bill passed, they could utilize these individuals more efficiently.

Senator Keating asked if fees being charged for these licenses would cover the expenses incurred, including the upgrades.

Ms. May said yes, with no increase to the fee level.

Vote: The Motion that HB 609 BE CONCURRED IN CARRIED unanimously.

ROLL CALL

SENATE COMMITTEE FINANCE AND CLAIMS DATE 3/29/93

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACOBSON	✓		
SENATOR FRANKLIN	✓		
SENATOR AKLESTAD	✓		
SENATOR BECK	✓		
SENATOR BIANCHI	✓		
SENATOR CHRISTIAENS	✓		
SENATOR DEVLIN	✓		
SENATOR FORRESTER	✓		
SENATOR FRITZ	✓		
SENATOR HARDING	✓		
SENATOR HOCKETT	✓		
SENATOR JERGESON	✓		
SENATOR KEATING	✓		
SENATOR LYNCH	✓		
SENATOR TOEWS	✓		
SENATOR SWYSGOOD	✓		
SENATOR TVEIT	✓		
SENATOR VAUGHN	✓		
SENATOR WATERMAN	✓		
SENATOR WEEDING	✓		

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

March 29, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 609 (third reading copy -- blue), respectfully report that House Bill No. 609 be concurred in.

Signed: Judy H Jacobson
Senator Judy H. Jacobson, Chair

AGW Amd. Coord.
TV Sec. of Senate

Fritz
Senator Carrying Bill

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